UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

NOEL KENT FARROW

CRIMINAL COMPLAINT

CASE NUMBER: 09-M - 57 (DRH)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 9, 2009, in Greene County, in the Northern District of New York the defendant did knowingly and intentionally possess with intent to distribute cocaine, a Schedule II controlled substance, in violation of Title 21 United States Code, Section(s) 841(a)(1) and 841 (b)(1)(B).

I further state that I am a Special Agent with the Drug Enforcement Administration and that this complaint is based on the following facts:

See Attached Affidavit.

Continued on the attached sheet and made a part hereof: X YES __NO

DEA Special Agent Daniel Thomas
Signature of Complainant

Sworn to before me, and subscribed in my presence,

2/10/09 at Albany, New York
Date City and State

Hon. David R. Homer
United States Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

I, Daniel Thomas, being duly sworn, depose and state the following:

1. I am a Special Agent with the Drug Enforcement Administration. I have held this position since 2002. Prior to 2002, I was a police officer employed in Winter Haven, Florida. In my capacity as a law enforcement officer, I have participated in the investigation of hundreds of cases involving the possession and/or distribution of illegal controlled substances, including cocaine.

2. The investigation relating to the criminal conduct at issue in this Complaint began on February 6, 2009, when U.S. Postal Inspector Sandra Galli identified USPS Express Mail parcel # EH 686826565 US as a package that may contain illegal drugs or other contraband. According to Inspector Galli, the package was delivered to a U.S. mail facility that has been identified as one frequently used to mail illegal narcotics. Inspector Galli also conducted a search of the sender's address in an attempt to verify the name of the sender with the address listed on the package. On February 6, 2009, a check of U.S. Postal Service records disclosed that no one named BLAKE STEWART resided at 1351 Dunsmuir Ave. Los Angeles California. I have been advised that the suspect package was mailed by STEPHEN HOLLAND and not by the name of the individual identified as the sender on the package. I was further advised that the sender's car was surveilled after leaving the U.S. postal facility. The driver of the vehicle executed counter surveillance techniques leaving the postal facility including the use of high speed and multiple and sudden lane changes.

3. Based on my knowledge, experience, and training, I am aware that the use of false names on a package, the mailing of a package on Friday (when it is commonly suspected that fewer drug interdiction efforts are being conducted on weekends), and a sender's use of counter surveillance techniques after leaving a postal facility, all suggest and provide a reasonable suspicion to believe that a package being sent in the United States contains illegal narcotics.

4. Based on the foregoing information, USPS Express Mail parcel # EH 686826565 US was sent by Inspector Galli to the attention of Postal Inspector Thomas Moehring for further investigation. Postal Inspector Thomas Moehring, who is stationed in Troy, New York, received the package on Monday, February 9, 2009.

5. I have been advised that, also on February 9, 2009, a narcotics detection K-9 known as "Bleu" and his handler (Rensselaer Co. NY Deputy Sheriff Sandy Blodgett) came to the Troy NY Post Office where Postal Inspector Thomas Moehring's office is located at approximately 08:30 AM. The suspect parcel was placed in an array of seven parcels in the basement of the Post Office. Narcotics detection K-9 Bleu positively alerted to USPS Express Mail parcel #EH686826565 US indicating the presence of controlled substances. Deputy Blodgett advised that K-9 Bleu has been extensively trained to detect narcotics and has been certified by New York State (advanced and basic certification) as a narcotics detection K-9.

6. Based on the foregoing facts, a warrant authorizing the seizure and search of USPS Express Mail parcel #EH686826565 US was obtained.

7. The suspect package was subsequently opened by a Special Agent with the Drug Enforcement Administration. Inside the package, the DEA Special Agent observed two separate packages of a white hard substance wrapped inside various lawyers including coffee grinds, grease, cellophane, and a plastic bag. A sample of the hard white substance in each package was subjected to a field test. Both samples tested positive for the presence of cocaine. The combined weight of the hard white substance in the two packages was 500.7 grams. This weight includes the de minimis weight of the two small plastic bags that contained the substance. Based on my training and experience, this quantity of cocaine is not consistent with personal use but is consistent with illegal distribution.

8. Based on this information, a warrant authorizing the installation of an electronic beeper in the package was obtained. This device emits an electronic signal that can be monitored by a locating receiver to be possessed by the authorized law enforcement officers. Although the device does not contain GPS capabilities and does not transmit or record voice communication or acquire oral communication, the tracking device contains a quick wire connection that submits an alarm after the package has been opened and the narcotics have been removed. The locating receivers receive a beeping signal while the quick wire connection on the device is intact. Once the package is opened and the quick wire connection is broken, the device transmits a constant ring to the locating receivers.

9. In addition to the warrant for the electronic beeper, an anticipatory search warrant was also obtained. This anticipatory search warrant authorized a search of 52 Division St, Unit #1, Catskill New York, 12414 (the recipient address of USPS Express Mail parcel #EH686826565 US), subject to the condition precedent that the package be successfully delivered.

10. Based on these two warrants, USPS Express Mail parcel #EH686826565 US was fitted with the electronic beeper and was delivered to 52 Division St, Unit #1, Catskill New York, 12414 by an Postal Inspector with the U.S. Postal Inspection Service in an undercover capacity dressed as a postal delivery worker. The Postal Inspector successfully delivered USPS Express Mail parcel #EH686826565 US to a woman at 52 Division St, Unit #1, Catskill New York, 12414. Although the woman receiving the package from the undercover Postal Inspector identified herself as Vanessa Bara, it was later determined that the true identity of this woman was TANISHA LOHEIT. After receiving USPS Express Mail parcel #EH686826565 US, a surveillance agent observed LOHEIT carrying the package into the front door of 52 Division St, Catskill New York.

11. After approximately 30 minutes, surveillance observed a white SUV arriving at 52 Division St, Catskill New York, 12414. After this white SUV was parked, surveillance observed a black male, later identified as NOEL KENT FARROW, walk to and enter 52 Division St, Catskill New York, 12414.

12. Approximately 5 minutes after FARROW entered 52 Division St, Catskill New York, 12414, the electronic beeper that had been installed on USPS Express Mail parcel #EH686826565 US was activated.

13. Pursuant to the search warrant, several law enforcement officers then gained entry into Unit #1 at 52 Division St, Catskill New York, 12414.

14. Upon entering Unit #1 at 52 Division St, Catskill New York, 12414, law enforcement agents secured four adults in the apartment including LOHEIT and FARROW, who were discovered in the rear of the building. LOHEIT was discovered laying down on the floor in the back room of the residence. FARROW was discovered in a pantry/closet with the door shut. When discovered, FARROW was observed with a white powder on his pants and his shirt.

15. Pursuant to a search of the apartment, USPS Express Mail parcel #EH686826565 US was located in a bathroom. The package had been opened and the white powder that contained cocaine appeared to have been spilled around the bathroom floor and on the bathroom appliances. Upon further inspection, the two bags (that initially contained the white powder with the cocaine) was found in a toilet (with an open lid). The toilet also contained a substance that appeared to be human feces.

16. Prior to a search of Unit #1 at 52 Division St, Catskill New York, 12414, four individuals (including FARROW and LOHEIT) were removed from the apartment and relocated to the Catskill Police Department. All four individuals were provided with Miranda warnings. After receiving Miranda warnings, all four individuals provided statements to law enforcement offcials.

17. According to the written statement provided by LOHEIT that was written by a law enforcement agent and that was signed by LOHEIT:

A. LOHEIT claimed that she was contacted on February 9, 2009, by FARROW regarding a package that FARROW was expecting to be delivered to Unit #1 at 52 Division St, Catskill New York, 12414. LOHEIT was to pick up the package for NOEL.

B. At 5:30 p.m. on February 9, 2009, the package arrived and LOHEIT accepted delivery.

C. After accepting delivery of the package, LOHEIT contacted FARROW who advised LOHEIT that he would arrive in 20 minutes.

D. After FARROW arrived, he took the package into the bathroom. While in the bathroom with the package, FARROW made several comments to LOHEIT regarding the package. LOHEIT was shown the inside of the package and she observed a "bucket, but no cocaine."

E. When the police arrived, NOEL ran from the bathroom into the pantry.

F. LOHEIT stated that this was the second package that she had accepted for NOEL.

18. LOHEIT also verbally stated to me that she expected that the package she received on February 9, 2009, would contain cocaine.

19. According to the written statement provided by FARROW that was written by a law enforcement agent and that was signed by FARROW:

A. FARROW came into an apartment on Division Street in Catskill, New York, to talk with LOHEIT regarding personal stuff that he would not share with law enforcement.

B. FARROW stated that he asked LOHEIT for a cigarette and was looking for a light.

C. FARROW claimed that he was never in the bathroom in the apartment.

Daniel Thomas
Special Agent
Drug Enforcement Administration

SWORN TO BEFORE ME THIS
10th Day of February, 2009

HON. DAVID R. HOMER
United States Magistrate Judge